

1 D. FREED

2 Plaintiffs have everything.

3 MR. KLEIN: Thank you.

4 Q. When you say DD5s, what were
5 they DD5s of?

6 A. I remember there is a DD5 of,
7 what is the name of the club in Webster
8 Hall. There is a DD5 of Webster Hall.

9 Q. There is a DD5 with Shane
10 Rhooms in it?

11 A. Yes.

12 Q. When did you obtain that DD5?

13 A. After his arrest.

14 Q. Who did you obtain it from?

15 A. I believe as far as, from the
16 management of Webster Hall. I didn't
17 personally retrieve it.

18 Q. But it was retrieved by the
19 Police Department as opposed to giving it
20 to you by the D.A.'s Office or someone like
21 that?

22 A. Yes.

23 Q. If the arrest was on
24 September 6th into September 7th, I believe
25 the lineups would have been after midnight

1 D. FREED

2 on the 6th, how long after the lineups did
3 you obtain the DD5 from Webster Hall?

4 A. I believe it was within a week.

5 Q. Was it before or after Rhooms
6 was indicted?

7 A. I would say after.

8 Q. On the day of the arrest and we
9 will go over the time, but my understanding
10 it was around 6:00 that he surrendered to
11 the precinct and Detective Wright was there
12 when he surrendered.

13 Do you have a recollection of
14 that?

15 A. Vaguely. I was home and I got
16 a phone call.

17 Q. Did you respond to the precinct
18 right away?

19 A. Yes.

20 Q. You went to the 67th squad?

21 A. Yes.

22 Q. Where was Mr. Rhooms, was he in
23 a cell?

24 A. I don't know if he was in a
25 cell or an interview room.

1 D. FREED

2 Hall, did you, did he tell you that it was
3 at the time of the shooting that he was at
4 Webster Hall?

5 A. He said he was at Webster Hall
6 at this time.

7 Q. Did you make any phone calls to
8 Webster Hall while he was in custody to
9 check it out?

10 A. No.

11 Q. Why not?

12 A. That would not be -- it is not
13 incumbent upon me to prove his alibi.

14 It is incumbent upon me to
15 conduct my investigation and at that point
16 there was probable cause to arrest and
17 that's what we did.

18 Then subsequent to that was on
19 my own behalf of doing it. Like I said
20 earlier I had a feeling, you know, it was
21 something in my mind that said that this
22 alibi needed to be investigated further.

23 Because nobody wants to put
24 anybody in jail who doesn't deserve to be
25 in jail. There is no alibi for me to solve

1 D. FREED

2 Q. You were yourself personally
3 that their identification was not correct?

4 A. That is correct.

5 Q. Did you ever confront them with
6 that about the conclusion that you made or
7 did they ever confront you about it?

8 A. No.

9 Q. Did you ever hear through the
10 grapevine, hearsay, rumors or something
11 else that they were upset with you or that
12 they disagreed with your conclusion?

13 A. No.

14 Q. In reaching the conclusion that
15 Rhooms was not the perpetrator, did you
16 reach out to Ortlieb, Henderson and/or
17 Seminara, either directly or indirectly to
18 let them know that Rhooms was not the
19 person before you communicated it to the
20 DA?

21 A. No.

22 Q. They were your victims in your
23 case, were they not?

24 A. Yes.

25 Q. Did you feel you had any

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2 A. Probably when I got done with
3 the interview with him.

4 Q. You would have spoken to
5 Enright?

6 A. Hang on. Let me withdraw that.
7 I'm thinking about the Seminara photo
8 array.

9 After interviewing Perez and
10 after interviewing the friend that he had
11 pointed out, we, I conducted several
12 computer checks looking for arrest
13 associates, specifically the two other
14 witnesses that mentioned the name Shane as
15 being there prior to the shooting and
16 through those computer checks came up with
17 the photo of Shane Rhooms.

18 Then I showed that photo to
19 Perez and that was my call.

20 Q. So, with whom was there an
21 issue about showing photos that Sciortino
22 or Enright was involved with?

23 A. At a later time we did a photo
24 array with, I believe, Seminara and that
25 was against what I would have wanted to be

1 D. FREED
2 several attempts, 911 calls, I believe he
3 went to a community board meeting trying to
4 get these guys away from selling weed in
5 front of the building.

6 Q. Did you ever verify that?

7 A. No. But I can tell you that 222
8 Lenox is a more upscale building for the
9 neighborhood for sure.

10 Q. You got the name Shane from the
11 two other individuals?

12 A. Yes.

13 Q. And you didn't have a last
14 name, just a name Shane?

15 A. Correct.

16 Q. When you did a computer check,
17 is that when you came up with the mug shot
18 for Shane Rhooms?

19 A. Well, at first he came up with
20 the name and the arrest record and an NYSID
21 number and from there I got the photo.

22 Q. Were there any other Shanes in
23 the area that you came up with?

24 A. NO.

25 Q. You were just looking for

1 D. FREED

2 A. Right.

3 Q. Aren't, especially in a big
4 case like this, when there is a lot of
5 DD5s, a lot of witnesses, if you don't
6 write it down, how are you able to be able
7 to use the information?

8 Don't you have to write down
9 the information that you get in the DD5s?

10 A. Not every piece of information
11 and every statistic is relevant and needs
12 to be documented.

13 Like I said, I believe that we
14 came across Shane Rhooms because the other
15 witness had named the name Shane and then a
16 computer inquiry with regard to an arrest
17 at 222 Lenox and the surrounding buildings
18 came up with the name Shane Rhooms.

19 Q. They didn't mention Shane
20 Rhooms, they just mentioned the name Shane?

21 A. Yes.

22 Q. You think that is when the
23 other individual, Jason Brown, the name
24 came up?

25 A. I'm sorry?

1 D. FREED

2 Q. You think the name Shane came
3 up from the other interview?

4 A. I believe so.

5 Q. Is that Shane Brown, New York
6 City 210.

7 Did you ask Jason Brown of the
8 last name of the Shane that he was talking
9 about?

10 A. Yes.

11 Q. Did he tell you where Shane
12 lives?

13 A. No.

14 Q. Did he tell you another last
15 name?

16 A. He told me Biggy, Courtney,
17 Shane and some girls.

18 Q. You are looking at the DD5s
19 now. Let's move on, but I'm asking you if
20 you remember having a conversation with him
21 about the last name of the Shane that he
22 was talking about?

23 A. No.

24 Q. You don't know if he was
25 talking about another Shane other than

1 D. FREED

2 never used the roll calls or the logs,
3 anything like that.

4 I know that night like New
5 Year's Eve or New Year's Day, especially in
6 the 67th, guys that were brought in, good
7 guys would be brought in to work, maybe
8 overtime because of the possibility of
9 extreme violence or what might go on during
10 Labor Day or Jouvert.

11 Q. Is Detective Torres one of the
12 guys --

13 A. I would say he is a good guy.

14 Q. What about is there a Detective
15 Rivero?

16 A. There is a Detective Rivero.

17 Q. Is he one of the guys that is a
18 good guy?

19 A. He would not be one of the guys
20 in my circle, no.

21 Q. What is Torres' first name?

22 A. Eric.

23 Q. What about Gasser?

24 A. Kevin.

25 Q. Was he one of the guys?

1 D. FREED

2 Q. Another detective did?

3 A. Yes.

4 Q. Do you know who it was?

5 A. No.

6 Q. When the video came to you,
7 were you at the 67th squad?

8 A. Yes.

9 Q. Did you watch it inside of the
10 squad?

11 A. Yes.

12 Q. Were you able to figure out
13 where on the surveillance video he was or
14 you needed help?

15 A. I needed help.

16 Q. That is why you called his
17 cousin there?

18 A. Yes.

19 Q. And he helped you cue up the
20 right parts?

21 A. Yes.

22 Q. At that point were you aware of
23 the phone records as well? The cell phone
24 records corroborating where he was at?

25 MS. JOYCE: Objection.